

REMARKS

This amendment responds to an Office Action mailed from the Patent Office on June 17, 2004. At the time the Office Action was mailed, claims 50-53 were pending. Claim 50 has been amended herein without narrowing the scope of the claim. Accordingly, claims 50-53 remain pending.

Applicants explicitly request withdrawal of an RCE filed September 13, 2004 in connection with this application. The RCE was filed in response to the June 17, 2004 Office Action, but, as the June 17, 2004 Office Action was non-final, the filing of the RCE was premature. Accordingly, the RCE should not be considered and should instead be withdrawn.

In the Office Action mailed June 17, 2004, claims 50-53 were rejected. More specifically, the status of the application in light of the June 17, 2004 Office Action is as follows:

(A) Claims 50-53 stand rejected under 35 U.S.C. § 112, second paragraph; and

(B) Claims 50 and 52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,466,864 to Bacon et al. ("Bacon").

A. Response to the Section 112 Rejections

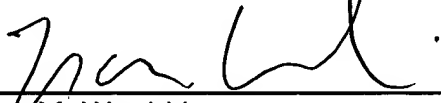
Claims 50-53 comply with 35 U.S.C. § 112, second paragraph, and with the MPEP because, *inter alia*, and as recited in the MPEP at § 2163.02, the description "describe[s] the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor(s) had possession of the claimed invention" and that the specification uses "such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention." In particular, the Figures of the application as filed fully support claims 50-53. Accordingly, the Section 112 rejection of claims 50-53 should be withdrawn.

B. Response to the Section 102 Rejections

Claims 50 and 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bacon. Applicant respectfully traverses the rejection of these claims on the basis of Bacon for at least the following reason: Bacon fails to disclose or suggest a processing vessel having a wall with an upper edge defining a weir over which a processing fluid can flow, and a conduit positioned in fluid communication with a processing space defined by the processing vessel, wherein a path between the weir and the conduit extends upwardly above the weir. Accordingly, the Section 102 rejections of claims 50 and 52 should be withdrawn.

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call John Wechkin at (206) 359-3257.

Respectfully submitted,
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